For years, the Council of Canadians has been calling for a modernization of federal water policies, including the establishment of the Ministry of Water to coordinate water protection, management and stewardship.

In the 2019 federal election, the Liberals committed to establishing the Canada Water Agency with a promise it would “keep our water safe, clean and well-managed.” Since the election, the Minister of Environment and Climate Change Canada and the Minister of Agriculture and Agri-Food Canada have been tasked with creating the agency. MP Terry Duguid of Winnipeg South is overseeing the process.

We urgently need the Canada Water Agency. The agency must play a key role in implementing the human right to water and sanitation at the federal level, strengthen freshwater protection legislation, increase collaboration and coordination across federal agencies and jurisdictions, and exemplify the process of co-development of policies with Indigenous Peoples. We have identified the gaps in science, data, policy and programs and proposed ways the Canada Water Agency could address these gaps in a submission we sent in on behalf of Council members and supporters like you.

**IMPLEMENTING THE HUMAN RIGHTS TO WATER AND SANITATION**

The UN recognized the human right to water and sanitation in 2010, and Canada signed onto the global consensus in 2012. However, to date, there has been no framework or legislation to implement these rights in Canada. In the absence of federal leadership, Northwest Territories and Quebec are the only governments that have enshrined the right to water in their legislation.

More than 30 municipalities have affirmed the rights to water and sanitation as part of the Council of Canadians’ Blue Communities Project. The soon-to-be-created Canada Water Agency could play a significant role in the implementation of the human rights to water and sanitation by enshrining in legislation the government’s commitment to respect, protect and fulfill these rights, and focus resources to implement them.

Right now, more than 100 First Nations communities still live without access to safe, clean drinking water and adequate sanitation. The federal government has committed to ending all long-term drinking water advisories by March 2021, but as reported by Indigenous Services Canada, progress has been slow and does not fully reflect the full reality of water access in First Nations communities. Federal investments have been insufficient, and communities must navigate bureaucratic hurdles, band-aid solutions and the lack of funding for long-term maintenance, operations and training. This has led to many drinking water advisories being re-instated after they are initially lifted.

Providing safe, clean drinking water to First Nations on reserves is an urgent first step in repairing the damage of past and present colonial governments.
DANGEROUS LEVELS OF LEAD IN OUR WATER

Last year, investigative reporting revealed dangerously high levels of lead in drinking water in municipalities across Canada due to antiquated infrastructure and varied drinking water standards across provinces. Decades of inadequate federal standards and the underfunding of public infrastructure has resulted in this massive public health crisis.

The Federation of Canadian Municipalities estimates that municipalities need $50 billion to upgrade water and wastewater infrastructure in poor or very poor conditions. Meanwhile, municipalities are forced to consider water public-private partnerships (P3s). Experience has shown that P3s cost more, delivers less and removes community accountability control compared to public ownership.

The Canada Water Agency could harmonize the patchwork of drinking water standards across provinces, enforce new standards, and guarantee funding for communities to repair and upgrade their water and wastewater infrastructure. Federal investments in water infrastructure, especially public funding like the Clean Water and Wastewater Fund, must be renewed and expanded, while false solutions that promote privatization and P3s, like the Canada Infrastructure Bank, must be rejected.

STRENGTHENING FRESHWATER PROTECTION REGULATIONS

The former Harper Conservative government slashed legislative protections of 99 per cent of lakes and rivers. In their last term, the Liberal government partially restored protections for waterways through the new Canada Navigable Waters Act and Impact Assessment Act, but did not remove exemptions for major fossil fuel projects like pipelines and power lines. The new legislation also fails to require free, prior and informed consent from Indigenous communities as required by the UN Declaration on the Rights of Indigenous Peoples. Meanwhile, Schedule 2 of the Fisheries Act still allows industries to turn freshwater bodies into tailings impoundment areas (tailings ponds).

Upholding and implementing the human rights to water and sanitation means protecting water at its source. The federal government must close the loopholes in the Canada Navigable Waters Act, Impact Assessment Act and Fisheries Act to fully protect every waterway, while committing to respecting Indigenous water rights, titles, governance structure and law.

More than 20 federal departments, as well as the provinces, regulate various aspects of water including water quality, quantity, access, withdrawals, etc. Water taking permits, for example, are regulated provincially, but the impact of water extraction on fish habitat or biodiversity is a federal matter.

The Canada Water Agency has an opportunity to modernize the fragmented approach currently applied to water management across jurisdictions and facilitate a shift towards water protection and management as a shared Commons, a shared resource that is available to all.

PROTECT WATER FROM MAJOR ENERGY PROJECTS

Major energy projects continue to be one of the largest threats to water, the climate and Indigenous rights. Fracking, mega-hydro dams, tar sands extractions, coal mines and other energy projects can be both water intensive and detrimental to the local watershed, the downstream environment and communities. Pipelines like Trans Mountain and Coastal GasLink threaten thousands of waterways, disrupt the way of life of Indigenous communities along their paths and contributed to the worsening climate crisis. Meanwhile, these extractive industries aggressively lobby all levels of government to weaken environmental monitoring regulations.

To meet its Paris Agreement target, Canada must reduce its greenhouse gas emissions by 60 per cent by 2030. To do this, the expansion and continued operation of these fossil fuel projects that also put water at risk cannot continue. As the Canada Water Agency modernizes the approach and policies around water, it must incorporate climate change impacts into its review and strengthen regulations to safeguard water from these projects.

Fracking, or hydraulic fracturing, requires millions of litres of water (and mixes it with chemicals including known carcinogens and sand) to fracture shale rock underground and force natural gas to escape. Where the industry has been allowed to go ahead, fracking projects have contaminated local groundwater sources, devastating the environment in their wake. Council of Canadians chapters have worked hard to achieve fracking moratoriums in several provinces, and the Council of Canadians is now calling on the Canada Water Agency to push for federal legislation to reject these destructive projects.

The Canada Water Agency presents an opportunity to modernize the federal approach to water policy, ensuring that it centers Indigenous rights and community interests. The agency can protect water as a human right, public trust and shared commons.

Have your say! Environment and Climate Change Canada has opened an online consultation to get public input on the mandate of the Canada Water Agency. Submissions to this consultation process can be made on the online platform PlaceSpeak, or by emailing ec.water-eau.ec@canada.ca. Communities and individuals have until May 31, 2021 to provide input.

VI BUI IS THE WATER CAMPAIGNER FOR THE COUNCIL OF CANADIANS